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ABSTRACT

This article describes the use of youth courts, or teen courts, a growing trend in juvenile justice. Youth courts are generally used for younger teens with no prior arrest records, and those charged with less serious violations, like shoplifting, vandalism, and disorderly conduct. The goal is to hold young people accountable for their actions with a system of graduated sanctions. Sentenced, which stress rehabilitative goals, typically include community service and counseling. Also included is a discussion of research problems when examining youth courts. The article concludes with a description of the Colonie Youth Court, a nonprofit organization founded in 1993 that uses the youth judge model. (GCP)

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A Jury of Their Peers

by

Julee Newberger

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Guidance for Grown-ups

BENTON FOUNDATION

A Jury of Their Peers

by Julee Newberger

When 14-year-old Chad* got caught driving his mother's car without a license late one night in his hometown of Colonie, New York, he hadn't thought about the consequences of his actions. It had been only a joyride, a little fun and intrigue. "I just wanted to do it," Chad says. He had never done anything like it before.

Chad landed in adult traffic court, where he pleaded guilty and risked being sentenced with a monetary fine—or even time in jail. But instead of sentencing the teenager, the judge sent him to Colonie Youth Court, an alternative to the criminal justice system for young people who have committed minor offenses.

In youth court, Chad was sentenced to take part in a community service program, to write a letter of apology to his mother, and to attend a defensive driving course. As part of the program, Chad would also serve as a juror on the case of another juvenile offender.

"It was just like a jury of my peers," Chad says. He completed his sentence and decided to participate in the youth court's eight-week law-related training program, which enabled him to take on other roles in the courtroom. Since that time, Chad has served as a judge and an attorney in youth court. He never again has been a defendant.

Avoiding Labels That Can Stick

Youth courts, or teen courts, are a growing trend in juvenile justice. In 1994, there were 78 youth court programs in the United States. Today, 825 towns and cities operate youth court programs nationwide, and approximately 100 programs are in development. More

than 250,000 young people have participated as both offenders and volunteers.

Surveys of youth courts show high levels of satisfaction reported by parents, teachers and teens. Experts say they are quicker alternatives to adult courts, moving young offenders from arrest to sanctions in a matter of days, rather than months. They are also inexpensive to run, averaging a budget of about $35,000 a year, thanks to a large number of volunteers who assist in the court's operation.

"When dealing with a young person who's a first-time offender, you don't want to label them a criminal," says Scott Peterson of the Office of Juvenile Justice in the Department of Justice. "Youth court provides an appropriate response that's firm but not stigmatizing."

Youth courts are generally used for younger teens, between 10 and 15, with no prior arrest records, and those charged with less serious violations, like shoplifting, vandalism and disorderly conduct. The goal is to hold young people accountable for their actions with a system of graduated sanctions. Sentences, which stress rehabilitative goals, typically include community service and counseling.

The underlying premise is that judgment by a court of peers may have greater impact than the decisions of adult authority figures. Peterson calls it "positive peer pressure." While negative peer pressure can lead young people to break the law, positive peer pressure can redirect young people to have a positive impact on their communities.

"It's saying, it wasn't you we disliked but your behavior," Peterson says. "You've made your restitution to the community, now get out there and do good stuff."

Research Still Lacking

Across the states, youth courts vary in size and structure, using four different models for youth and adult interaction. More than half handle 100 or fewer cases per year. Many are operated by courts, juvenile probation offices or prosecutors' offices. Others are run by schools, or incorporated as their own nonprofit organizations.

In some programs, teens literally run the show, serving as lawyers, judges and jurors. In others, young people are involved only as observers who listen to the case and then deliberate on a sentence. Adults often participate as administrators, responsible for budgeting, planning and personnel. In many programs, they supervise courtroom activities and coordinate community service placements.

So far, only a handful of research has measured recidivism in youth court programs. Some found very low rates, ranging from 3-8 percent within 6-12 months. Others found recidivism rates in excess of 20 or 30 percent. Overall, it's difficult to determine whether these rates of recidivism were due to youth court or other factors.

Challenges reported by youth courts across the country include funding uncertainties, attracting and retaining a group of youth volunteers that reflect the diversity of the community, and an adequate flow of referrals. Over the last few years, the Department of Juvenile Justice has invested over $2 million in a teen court resource center to provide programs across the country with technical support.

Striking a Balance

The Urban Institute is currently studying four youth court programs across the country that use a variety of courtroom models. These programs are in Anchorage, Alaska; Maricopa County, Arizona; Rockville, Maryland; and Independence, Missouri. In each case, teens whose cases are handled in youth court are being compared with those who enter the traditional juvenile justice system. The goal of the evaluation is to establish a baseline to judge the programs across the country. Results are due in April 2002.

Jeff Butts, Ph.D., director of the study, says that a fundamental conflict exists between the need for firm structure and strict courtroom procedures and the need for quality peer-to-peer interaction. Administrators must strike a balance between professionalism and allowing youth to take responsibility and work together. "The stronger the youth component becomes," Butts says, "the harder it is to manage, keep on track and maintain proper courtroom decorum."

Butt's research shows that this conflict is one factor that could have an impact on the effectiveness of youth courts. Others include how quickly sentences are handed down, how severe the possible sanctions are; what effect the programs have on youth perceptions of justice, and the fairness and consistency of the process. So far, preliminary results show no clear evidence that one youth court model is more effective than another.

What's important, according to Butts, is the presence of caring adults who are excited about the program and who will "step back and let them [youth] run the show."

Setting an Example

Colonie Youth Court, a nonprofit organization founded in 1993, uses the youth judge model, which is based on an adult court structure with young people in the roles of judge, juror, attorney and clerk or bailiff. "We wanted to keep the setting for a courtroom as traditional as possible," says Violet Colydas, director of the program. "And we wanted to keep youth in all roles so that they would rise to occasion and make a determination."

The program has its own record of success. A 1999 survey found that youth referred during 1997 and 1998 believed the experience increased their understanding of the legal system, helped improved their behavior and helped them become more responsible. Nearly all reported that the process had made them make more thoughtful decisions, and at least half reported better communication with parents and improved grades in school.

Members of Colonie Youth Court consist of high school students who have successfully completed eight weeks of youth court membership training. They assume the five roles on rotating basis. A handful of young people, like Chad, enter the court as a defendant and move on to play other roles.

Chad says that the experience helped him understand how the legal system works, and how crimes can affect communities and families. "The laws are not just there for no reason," Chad says, "they're really there to help us and for us to benefit from."

* *Names have been changed to protect the identity of those involved.*

Additional Resources:

- Visit the National Youth Court Center online.
- Learn more about Jeffrey Butt's Urban Institute evaluation of youth courts.

Julee Newberger is project manager of Connect for Kids.

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